



# CITY COUNCIL AGENDA

**MAY 9, 2017**

## SYNOPSIS

CHAPPIE JONES  
SERGIO JIMENEZ  
RAUL PERALEZ  
LAN DIEP  
MAGDALENA CARRASCO  
VICE MAYOR

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS  
TAM NGUYEN  
SYLVIA ARENAS  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. On May 2, 2017, the City Council authorized combining two sections of the Council agenda, Section 10 – General Plan Amendments and Section 11 – Land Use, into a single section labeled Section 10 – Land Use. Section 10 – Land Use indicates whether an item will be heard at 1:30 p.m. or 6:00 p.m. 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=5322>. Council Meetings are televised live and rebroadcast on Channel 26.

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

- **Call to Order and Roll Call**
  - 9:15 a.m.** - Closed Session, Call to Order in Council Chambers  
**Councilmembers Absent: Arenas, Nguyen. (Excused)**
  
  - 1:33 p.m.** - Regular Session, Council Chambers, City Hall  
**Councilmembers Absent: All present.**
  
  - 6:00 p.m.** - **Council Meeting Cancelled**
  
- **Invocation (District 5)**  
Lorenz Mason Dumuk provided a poetry reading for the Invocation.
  
- **Pledge of Allegiance**  
Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved.**  
**Regarding amended item 7.1, "Actions Related to the Agreements for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris" to add Ferma Corporation, Rachel Varela dba All American Dumpsters, United Recycle Services; and to remove Eco-Box Recycling dba South Bay Hauling to the list of companies under item 7.1(c). were added under Orders of the Day. Requiring a determination by a two-thirds (2/3) vote of the members of the Council present at the meeting, or, if less than two-thirds (2/3) of the members of the Council are present at the meeting, a unanimous vote of those members present that there is a need to take immediate action. Council's Rules of Conduct, Resolution No. 78063, Rule 3(d).**
  
- **Closed Session Report – *None provided.***

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation marking the 50<sup>th</sup> Anniversary of the Housing Authority of the County of Santa Clara. (Mayor/Housing)  
**Mayor Liccardo presented a commendation marking the 50<sup>th</sup> Anniversary of the Housing Authority of the County of Santa Clara.**
  
- 1.2 Presentation of a proclamation recognizing the week of May 12 – 19, 2017 as Affordable Housing Week in the City of San José. (Jimenez)  
**Mayor Liccardo and Councilmember Jimenez recognized the week of May 12 – 19, 2017 as Affordable Housing Week in the City of San José.**
  
- 1.3 Presentation of a commendation to San José based group Pagyamanin Likas Musika (Enrich Native Music). (Rocha)  
**Mayor Liccardo and Councilmember Rocha commended the San José based group Pagyamanin Likas Musika (Enrich Native Music) for their promotion, appreciation, and playing of Philippines' native Rondalla instruments around the world and for their humanitarian efforts in support of impoverished and vulnerable communities in the Philippines.**

## **2. CONSENT CALENDAR**

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

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances.

- (a) ORD. NO. 29905 - An ordinance of the City of San José amending Chapter 14.27 of Title 14 of the San José Municipal Code to add a new Section 14.27.180 to establish the Community Facilities Maintenance District Funds. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (Public Works/City Manager)

**Deferred for one week.**

### 2.3 Approval of Council Committee Minutes.

**Recommendation:** Approval of Council Committee Minutes.

- (a) Neighborhood Services and Education Committee Minutes of April 13, 2017. (Rocha)
- (b) Rules and Open Government Committee Minutes of April 19, 2017. (Mayor)
- (c) Public Safety, Finance and Strategic Support Committee Minutes of April 20, 2017. (Perez)

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities.

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Retroactive request for excused absence for Mayor Liccardo from the Joint Meeting of the Rules and Open Government Committee on April 26, 2017 due to Authorized City Business. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Mayor)
- (b) Retroactive request for excused absence for Councilmember Arenas from the Transportation and Environment Committee on May 1, 2017 due to illness. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Arenas)

[Rules Committee referral 5/3/17 – Item A.1.a]

**Approved.**

### 2.5 City Council Travel Reports.

**Vice Mayor Carrasco shared experiences from the GDL Tour 2017 to Guadalajara, Mexico, where she and Councilmembers Jimenez and Arenas explored civic awareness, public-private partner projects and social integration through recreation.**

### 2.6 Report from the Council Liaison to the Retirement Boards.

**None provided.**

## 2. CONSENT CALENDAR

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### 2.7 Action Related to Special Tax Lien Against Hotel Property at 610 Hedding Street.

**Recommendation:** Adopt a resolution, pursuant to Government Code Section 53356.1, ordering delinquent Convention Center Facilities District No. 2008-1 (“CCFD”) taxes assessed against a hotel property located at 610 Hedding St., including any penalties, interests, and costs in the amount of \$42,193.21, be collected through an action brought in the Santa Clara County Superior Court to foreclose on the CCFD Special Tax Lien. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (City Attorney)

**Resolution No. 78149 adopted.**

### 2.8 Ordinance Amending Chapter 3.36 in Title 3 of the San Jose Municipal Code to Allow Limited Reemployment of Retired Police Officers of the City of San Jose Police and Fire Department Retirement Plan.

**Recommendation:** Approve an ordinance amending Chapter 3.36 in Title 3 of the San José Municipal Code to allow limited reemployment of retired Police Officers of the City of San José Police and Fire Department Retirement Plan. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Manager)

**Ordinance No. 29907 passed for publication.**

### 2.9 Mayor’s Staff Travel to Phoenix, Arizona.

**Recommendation:** Approve travel payments and authorize travel for Mayor’s staff, Khanh Russo, Director of Strategic Partnerships, to Phoenix, Arizona from May 22, 2017 to May 23, 2017 for the Cities of Service 2017 Spring Convening. Source of Funds: Cities of Service. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Mayor)

**Approved.**

### 2.10 Actions Related to the 2016 Application for State of California Grant Funding for Housing-Related Parks Program.

**Recommendation:** Adopt a resolution:

- (a) Authorizing the Director of Housing, or designee, to submit grant applications in an aggregate amount up to \$1,200,000 to the California Department of Housing and Community Development under the Housing-Related Parks Program (HRPP) for the development of parkland on the Alum Rock & 31<sup>st</sup> Street property;

*(Item Continued on Next Page)*

## 2. CONSENT CALENDAR

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### 2.10 Actions Related to the 2016 Application for State of California Grant Funding for Housing-Related Parks Program (Cont'd.)

- (b) Authorizing the Director of Housing, or designee, to accept HRPP grant awards and conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection with these grants, provided that the Director is not authorized to expend funds on these projects prior to receiving specific California Environmental Quality Act approval for each project; and
- (c) Superseding Resolution 78075, which was adopted by City Council on January 31, 2017.

CEQA: Not a Project, File No. PP10-068(a), General Procedure & Policy Making, Grant Application. Council District 5. (Parks, Recreation, and Neighborhood Services/Housing)  
**Resolution No. 78150 adopted.**

### 2.11 Actions Related to the 2016-2018 Supplemental Law Enforcement Services Fund.

**Recommendation:** Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Supplemental Law Enforcement Services Fund:

- (a) Increase the appropriation to the Police Department for the SLES Grant 2016-2018 in the amount of \$719,478; and
- (b) Increase the estimate for Revenue from State of California by \$719,478.

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

**Ordinance No. 29908 adopted.**  
**Resolution No. 78151 adopted.**

### 2.12 Summary Vacation of a Public Utility Easement at 2850 Stevens Creek Boulevard.

**Recommendation:** Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 40-square foot public utility easement (“PUE”) at 2850 Stevens Creek Boulevard;
- (b) Summarily vacating the PUE which has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; 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: Stevens Creek & Clover Hotel Mitigated Negative Declaration, File No. H16-010. Council District 6. (Public Works)

**Resolution No. 78152 adopted.**

## 2. CONSENT CALENDAR

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### 2.13 Actions Related to Sidewalk Repair Program.

**Recommendation:** Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Increase the Sidewalk Repairs appropriation to the Department of Transportation in the amount of \$250,000; and
  - (b) Increase the estimate for Departmental Charges in the amount of \$250,000.
- CEQA: Not a Project, File No. PP10-067(b), Non-Specific Funding Mechanism, Appropriation Ordinance. (Transportation/City Manager)

**Ordinance No. 29909 adopted.**

**Resolution No. 78153 adopted.**

### 2.14 City Council Committee and Board and Commission Appointments.

**Recommendation:** As recommended by the Rules and Open Government on May 3, 2017:

- (a) Appoint Councilmember Dev Davis to the Grand Boulevard Initiative Task Force.
- (b) Appoint Councilmember Donald Rocha to replace Councilmember Jimenez on the Santa Clara Valley Habitat Agency Governing Board.
- (c) Appoint Councilmember Sylvia Arenas to replace Councilmember Donald Rocha on the Public Safety, Finance and Strategic Support Committee.

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

[Rules Committee referral 5/3/17 – Item F.1]

**Appointments were approved.**

### 2.15 South Korean Flag Raising Sponsored by Council District 1.

**Recommendation:** As recommended by the Rules and Open Government on May 3, 2017:

- (a) Approve the South Korean Flag Raising scheduled on Wednesday, June 28, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

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

[Rules Committee referral 5/3/17 – Item G.1.a]

**Approved.**

### 3. STRATEGIC SUPPORT SERVICES

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

City Manager, Norberto Dueñas spoke on the progress made during the flood recovery phase and Governing Magazine's positive coverage on our Cities' recovery efforts; he announced Public Service Week, adding the importance of showing appreciation of excellence in public service. Mayor Liccardo added that flood relief authorities have been impressed with the quick rehabilitation of our neighborhoods from the recent flooding disaster.

#### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.  
None provided.

#### 3.3 Actions Related to Salary Setting Commission Recommendations.

**Recommendation:** As recommended by the Salary Setting Commission on April 20, 2017:

- (a) Approve an ordinance by the San José City Council authorizing the salaries and benefits of the Mayor and City Council for the next two Fiscal Years, the period July 1, 2017 through June 30, 2019, as follows:
  - (1) For the Mayor, increase the authorized salary for FY 2017-18 and FY 2018-19 from the previously recommended \$125,000 annually to \$137,000 annually.
  - (2) For each Councilmember, increase the authorized salary for FY 2017-18 and FY 2018-19 from the previously recommended \$92,000 annually to \$102,000 annually.
  - (3) Retain the levels of health, dental, life insurance and other benefits through FY 2017-2019 in accordance with the benefits provided to management employees in Unit 99 including vision insurance, flexible spending accounts: medical reimbursement account and dependent care assistant program, deferred compensation, accidental death and disability insurance, basic life insurance, dependent life insurance, employee assistance program, long term disability insurance, personal accident insurance, and voluntary accident and critical illness insurance.
  - (4) Retain the current retirement benefits offered under the CalPERS Tier 2 Plan and the PTC 457 Defined Contribution Plan.
  - (5) Retain the current vehicle allowance of \$500 per month for the Mayor and each member of the City Council.
  - (6) Continue to require Councilmembers to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.

*(Item Continued on Next Page)*



### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Actions Related to Salary Setting Commission Recommendations (Cont'd.)

- (b) Adopt a resolution approving an increase in the stipend for non-City employee members of the retirement boards from \$225 to \$250 per board meeting.

CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (City Clerk)

**The item was deferred, with the City Attorney directed to draft a City Charter amendment that strips the City Council of any decision-making authority over its own salary setting, or over any persons responsible for setting Council salaries. After consultation with the Salary-Setting Commission, return to Council by the end of 2017 for Council consideration and placement on the November 6, 2018 ballot.**

#### 3.4 Emergency Medical Services.

##### **Recommendation:**

- (a) Direct staff to pursue funding through the County Emergency Medical Services (EMS) Trust Fund to complete EMS system improvements that will improve emergency medical response. The City Manager should take the following actions:
- (1) Identify a list of improvements – in excess of the approximately \$8 million of funding that has been withheld under the contract – both (a) eligible for funding out of the EMS Trust Fund, (b) of benefit to improve EMS response times by both Fire crews and County ambulances.
  - (2) Agendize these projects for review by the Santa Clara County Fire Chief's Association at the next meeting of the SCCFCA.
  - (3) Submit applications for these projects to the County by no later than the July EMS Trust Fund Project Solicitation.
  - (4) In parallel to b. and c. above, work with the County staff and the Board's Health and Hospital Committee to determine how to accelerate decision making processes on allocation of EMS Trust Fund money to implement improvements in advance of the conclusion of the next EMS Trust Fund grant cycle in July 2018.
- (b) Agendize Council discussion and action regarding Emergency Medical Services (EMS) and direct the City Manager to present options to Council that would achieve a more efficient and effective EMS model. The City Manager should include the following:
- (1) Overview of potential models—public-private, private or other alternatives— and best-practices in other jurisdictions, including Contra Costa County.
  - (2) How a public-private model would be organized and implemented.
  - (3) If the County, through the RFP process, elects to maintain the existing private model with some modifications, what changes would staff propose under the existing model that could improve system efficiency?

CEQA: Not a Project; File No. PP10-069, City Organizational & Administrative Activities, Preliminary Direction to Staff. (Mayor)

**Approved.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.1 Actions Related to the Parking Incentive Agreement with TechShop San Jose and the Entrepreneurial Maker Space Validation Program.**

**Recommendation:**

- (a) Hold a Public Hearing and take public comment on Capital Equipment Assistance and Parking Incentives to TechShop San Jose under Government Code 53083.

**Public hearing held.**

- (b) Adopt a resolution authorizing the City Manager to execute a Capital Equipment Assistance Agreement with TechShop San Jose, in which the City will provide an amount not to exceed \$150,000 for the HVAC upgrades.

**Resolution No. 78155 adopted.**

- (c) Adopt a resolution authorizing the City Manager to negotiate and execute a Parking Incentive Agreement and amend the agreement to increase or decrease the total number of Parking Permits.

**Resolution No. 78156 adopted.**

- (d) Adopt a resolution amending the City's Master Parking Rate Resolution to establish an Entrepreneurial Maker Space Validation Program.

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

**Resolution No. 78157 adopted.**

### **4.2 Actions Related to the North San José Retail and Amenity Strategy Workplan.**

**Recommendation:** Accept staff's report on retail and amenity development in North San José and direct staff to:

- (a) Implement the North San José Retail and Amenity Strategy Workplan.
- (b) Return to Council to amend Title 20 of the San José Municipal Code and the North San José Area Development Policy to:
  - (1) Allow local-serving retail commercial uses in the IP Industrial Park Zoning District within the North San José Area Development Policy Area.
  - (2) Allow greater flexibility to temporary retail and amenity uses within the North San José Area Development Policy Area.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports and Preliminary Direction to Staff. Council Districts 3 and 4. (Economic Development)

**The staff's report was accepted, including the joint memorandum from Mayor Sam Liccardo and Councilmembers Lan Diep and Raul Peralez, dated May 5, 2017,**

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## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.2 Actions Related to the North San José Retail and Amenity Strategy Workplan (Cont'd.)**

approving recommendations outlined in the April 15, 2017 staff report with the following direction:

**1. Regarding Staff Recommendation 2 and Strategy 1 on page 9 of the staff report:**

**(A) Return to Council no later than August 2017 to amend Title 20 to change commercial support uses in the IP Industrial Park Zoning District in North San Jose, to also allow stand-alone commercial uses within a campus, rather than requiring all commercial uses to be located entirely within the primary buildings.**  
**(B) Focus the flexibility on IP-Industrial Park Zoning Districts in those areas where proposed amenities are (a) clustered in proximity to one another, (b) visible and readily accessible to the public, (c) promote walkability and bicycle access by their design, and/or by their proximity to parks, trails, transit, and plazas, other amenities, and/or (d) promote or support the use of public gathering spaces.**

**(C) Through existing work on North San Jose revitalization, and consistent with the April 2015 Council direction, identify a strategy for promotion and facilitation of a larger, pedestrian friendly retail and amenities urban-scale development at one or more key opportunity sites, including but not limited to the LBA Realty Orchard Parkway 32-acre site, the Peery-Arrillaga Tasman Drive 4-acre site, the Moitoza North First Street 30-acre site (and potentially, the adjacent VTA-owned site), Hyundai/Hynix Montague Expressway 22-acre site, and the Sakauye Montague Expressway and Seeley Avenue 22-acre site.**

**2. Regarding Strategy 3 on page 9 of the staff report: Recommend that the Offices of the Mayor, Councilmember Diep, and Councilmember Peralez lead these efforts in collaboration with the Office of Economic Development team.**

**3. In light of the substantial new park construction in North San Jose, encourage developers to consider and facilitate park-related retail opportunities -such as bike rentals or outdoor cafes—pursuant to the 2008 Measure M relating to City Park Use Agreements;**

**4. Facilitate opportunities for bike share and shuttle services—including but not limited to Chariot, Motivate, LimeBike, and others- to improve the multi-modal mobility of employees in North San Jose; and,**

**5. Return to Council in August 2017 with an assessment of utilities and other infrastructure needs to support the North San Jose Area Development Policy 2030 jobs and housing capacity per direction from City Council in November 2014.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.3 Actions Related to a Tenant Protection Ordinance with Just Cause Protections.**

#### **Recommendation:**

- (a) Approve an ordinance adding Part 12 to Chapter 17.23 of the San José Municipal Code to include a Tenant Protection Ordinance that restricts no-cause evictions and establishes requirements for landlords to state a just cause for eviction.

**Ordinance No. 29911 passed for publication, with inclusion of the memorandum from Councilmember Donald Rocha dated May 8, 2017, which (1) Approved the staff recommendation, consistent with the memorandum from Vice Mayor Magdalena Carrasco and Councilmembers Raul Peralez and Donald Rocha, dated May 5, 2017, and the memorandum from Councilmembers Sergio Jimenez and Sylvia Arenas, dated May 3, 2017; (2) Identify a clear strategy for educating tenants and landlords of smaller properties to ensure all are well informed of the requirements of the law, and of its implementation, and return to Council in the Fall with that strategy; (3) Direct the City Manager to identify, through the budget process, a means for funding legal services for low income tenants needing assistance in effectuating their “just cause” rights; (4) Direct the City Attorney to return to Council subsequent to implementation with an amendment to the ordinance to make changes in the ordinances:**

- i. Amending "17.23.1250 Just Cause Termination" to ensure that criminal activity committed on or near the premises shall provide an independent basis for tenant's eviction, without requiring neighbors to testify or provide other evidence that the criminal conduct constitutes a legal "nuisance."**
  - ii. Amending "17.23.1270 Anti-Retaliation Protections," to prohibit landlords from threatening notification of immigration authorities of their tenants' immigration status, or from sharing information regarding the immigration status of their tenants.**
- (5) Additionally, approve the memo from Mayor Liccardo and Councilmember Jones dated May 5, 2017: (i.) Establish a list of specific crimes or types of crimes that could serve as the basis for an eviction. (ii.) Require that the tenant be provided "written notice to cease" before an eviction. Such notice would allow the tenant an opportunity to remedy the problem before being evicted. (iii.) Establish specific criteria as to the timeframe and location of the criminal activity, to ensure that tenants are not evicted for crimes committed in the past or which are not related to their tenancy.**
- (8-3. Noes: Davis, Diep, Khamis.)**

*(Item Continued on the Next Page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Actions Related to a Tenant Protection Ordinance with Just Cause Protections (Contd.)

- (b) Adopt an Urgency Ordinance adding Part 12 to Chapter 17.23 of the San José Municipal Code to include a Tenant Protection Ordinance that restricts no-cause evictions and establishes requirements for landlords to state a just cause for eviction.

*Please note: Approval of (b) of this item requires 8 or more affirmative votes (2/3).*

CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (Housing)

**Urgency Ordinance No. 29912 passed for publication, with staff directed to return with a report.**

**(9-2. Noes: Davis, Khamis.)**

### 4.4 Extension of the Interim Amendment to the Apartment Rent Ordinance and Removal of Exemption for Apartments with Government Rent Subsidy.

**Recommendation:** Approve an ordinance amending Part 8 of Chapter 17.23 of Title 17 of the San José Municipal Code (Interim Ordinance) to extend the termination date of the Interim Ordinance until the earlier of December 31, 2017 or sixty days after the effective date of an Ordinance amending Chapter 17.23 consistent with Council direction (Modified Apartment Rent Ordinance) and to add a provision amending the definition of Rental Unit to eliminate the exemption for rental apartments with tenants whose rent is subsidized by a government agency. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (Housing)

**Ordinance No. 29913 passed for publication.**

**(10-1. Noes: Khamis.)**

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Actions Related to the Agreements for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris.

**Recommendation:**

- (a) Conduct a Public Hearing on the applications of the companies listed below for Non-Exclusive Franchises for the non-exclusive collection, transport, and disposal of residential clean-out material and construction and demolition debris.
- (b) Approve ordinances granting the franchises and
- (c) Approve the Non-Exclusive Franchise Agreements with the following companies for the collection, transport, and disposal of residential clean-out material and construction and demolition debris, each for a one-year term from July 1, 2017 – June 30, 2018 with the option of three one-year extensions.

(1) All Points Roll Off, Inc.

**Ordinance No. 29914 passed for publication.**

(2) Allied Waste Services of North America, LLC dba Republic Services, Inc.

**Ordinance No. 29915 passed for publication.**

(3) American Debris Box Service dba American Portables;

**Ordinance No. 29916 passed for publication.**

(4) Bernardini Enterprises dba Chip It Recycling;

**Ordinance No. 29917 passed for publication.**

(5) Citywide Fibers, Inc.;

**Ordinance No. 29918 passed for publication.**

(6) Environmental Resource Recovery, Inc. dba Valley Recycling;

**Ordinance No. 29919 passed for publication.**

(7) Evergreen Waste Services;

**Ordinance No. 29920 passed for publication.**

(8) Ferma Corporation;

**Ordinance No. 29921 passed for publication.**

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## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Actions Related to the Agreements for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris (Cont'd.)**

(9) Ferma Corporation dba Ferma Greenbox Inc.;  
**Ordinance No. 29922 passed for publication.**

(10) Francisco Toca dba Toca Debris Box;  
**Ordinance No. 29923 passed for publication.**

(11) Waste Connections, Inc. dba GreenTeam of San Jose;  
**Ordinance No. 29924 passed for publication.**

(12) GreenWaste Recovery Inc.;  
**Ordinance No. 29925 passed for publication.**

(13) GreenWaste Recovery, Inc. dba \$99 Debris Box Service;  
**Ordinance No. 29926 passed for publication.**

(14) GreenWaste Recovery, Inc dba GW Debris Services;  
**Ordinance No. 29927 passed for publication.**

(15) Guadalupe Rubbish Disposal Co., Inc. dba Guadalupe Recycling Disposal Facility;  
**Ordinance No. 29928 passed for publication.**

(16) Haul-Away Today  
**Ordinance No. 29929 passed for publication.**

(17) Jonna Corporation dba Premier Recycle;  
**Ordinance No. 29930 passed for publication.**

(18) M&G Hauling Inc;  
**Ordinance No. 29931 passed for publication.**

(19) Pacific Coast Recycling;  
**Ordinance No. 29932 passed for publication.**

(20) Mission Trail Waste Systems, Inc. dba Recycle West;  
**Ordinance No. 29933 passed for publication.**

(21) Peninsula Debris Box Service LLC;  
**Ordinance No. 29934 passed for publication.**

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## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Actions Related to the Agreements for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris (Cont'd.)**

- (22) Lam Hauling, Inc. dba 7 Days Box;  
**Ordinance No. 29935 passed for publication.**
  
- (23) R&D Mendes Enterprises Inc. dba Accurate Cleaning Systems;  
**Ordinance No. 29936 passed for publication.**
  
- (24) Phi Ta dba TA Trucking;  
**Ordinance No. 29937 passed for publication.**
  
- (25) Rachel Varela dba All American Dumpsters;  
**Ordinance No. 29938 passed for publication.**
  
- (26) Recology South Bay dba Recology Silicon Valley;  
**Ordinance No. 29939 passed for publication.**
  
- (27) Recycling & Waste Services, Inc.;;  
**Ordinance No. 29940 passed for publication.**
  
- (28) Sergio Barajas & Clemente Estrada dba Bay Area Dumpsters;  
**Ordinance No. 29941 passed for publication.**
  
- (29) United Recycle Services;  
**Ordinance No. 29942 passed for publication.**
  
- (30) Uriel Del Toro dba Del Toro Trucking.  
**Ordinance No. 29943 passed for publication.**

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



## 7.2 Municipal Water System Cost of Service Study.

### **Recommendation:**

- (a) Accept staff report on the updated study of cost of service to provide potable water to San José Municipal Water System customers.

### **Accepted.**

- (b) Approve an ordinance amending Part 12 of Chapter 4.80 of Title 4 of the San José Municipal Code to:
- (1) Replace all references to the Consolidated Potable Water Utility Operating Fund in Part 12, including the title, with “Municipal Water System Operating Fund”; and
  - (2) Revise Section 4.80.630 to align provisions related to expenditure of funds in the Municipal Water System Operating Fund with the updated cost of service study, including the provisions regarding the establishment and funding of reserves, and to delete outdated provisions and unnecessary requirements related to general fund transfers, historic staffing ratios, and periodic audits.

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities; and Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy that involve no changes in the physical environmental.

(Environmental Services)

**Ordinance No. 29944 passed for publication.**

## 8. PUBLIC SAFETY SERVICES

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### 8.1 Police Department Recruitment Activity Semi-Annual Report.

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on April 20, 2017, accept the semi-annual report on Police Department recruitment activity, including recruiting and hiring expenditures, communication/marketing activities, marketing and outreach data analysis, academy entrants data analysis, officer resignation data analysis, and diverse applicant pool applications/hiring efforts. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports. (Police)  
[Public Safety, Finance, and Strategic Support Committee referral on 4/20/17 – Item (d)(2)]

### **Accepted.**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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## **10. LAND USE**

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- **Open Forum**
  1. **Blair Beekman urged everyone to use the tenant protection topic as a learning experience for human rights.**
  2. **Ken Schneebl questioned why the lower rent CPI wasn't on the agenda. Mayor Sam Liccardo responded that it was still being considered.**
  
- **Adjournment**

**Mayor Sam Liccardo adjourned the Council meeting at 9:18 p.m.**